

Message Text

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TAGS: ETRD, GATT, AU

SUBJECT: GATT: DRAFT CONSOLIDATED AUSTRIAN SCHEDULE

REF: GENEVA 5529

1. FOLLOWING ARE PRELIMINARY COMMENTS ON AUSTRIAN PROPOSED CONSOLIDATED GATT SCHEDULE (CS) OF L/4562 AND ADD. 1. WE ARE CHECKING OTHER ITEMS WITH COMMODITY SPECIALISTS AND WILL PASS ON ANY REMAINING QUESTIONS WHEN THEIR RESPONSES ARE RECEIVED. RE ONE COMPLETELY ILLEGIBLE PAGE IN OUR COPY (63) AND SEVERAL OTHER FAINT SPOTS, WE HAVE ASSUMED TEXT AND RATES TO BE PER UNDERLYING INSTRUMENTS. SEE LIST OF TYPOS AND STYLE QUESTIONS AT END.

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2. SEVERAL PROBLEMS RELATE TO SPECIFIC RATE CONCESSIONS AND AD VALOREM (AV) CONCESSIONS ON SAME ITEM. WHERE AV (USUALLY FROM KR) COVERS A WHOLE ITEM ON WHICH SPECIFICS HAD EARLIER BEEN NEGOTIATED ON EX-ITEMS, SOME SUCH SPECIFICS APPEAR IN CS ALONG WITH BROADER AV RATE. (SEE 84.19 A.) BUT THIS PRACTICE IS NOT INVARIABLE EVEN WHERE BEST RATE IS NOT "FREE", E.G. 84.06 D 4. HOW DID AUSTRIANS

DETERMINE WHICH TO INCLUDE? WHY ARE ALL SPECIFIC RATE BINDINGS NOT INCLUDED?

3. IN CASES OF SUCCESSIVE CONCESSIONS ON IDENTICAL CLASSIFICATIONS WHERE SPECIFICS HAVE BEEN SUCCEEDED BY AV RATES, ONLY AV RATES ARE SHOWN IN CS - E.G. 84.52 A WHERE BOTH 5 PERCENT AND S 1000/100 KG HAVE BEEN NEGOTIATED. WHY ARE SPECIFIC DUTY BINDINGS NOT INCLUDED FOR THESE ITEMS?

4. ENZYMES, IN KR UNDER 29.40, HAVE BEEN TRANSFERRED BY CCC TO NEW 35.07 UNDER SOMEWHAT BROADER DESCRIPTION (INCLUDING PREPARED, CONTAINING FOODSTUFFS). AUSTRIANS HAVE MAINTAINED WITHOUT CHANGE ONE OLD SUBITEM BUT RE-GROUPED BALANCE (OLD B AND C) SO THAT WE ARE UNABLE TO DETERMINE WHETHER CONCESSION RATES HAVE BEEN RETAINED. PLEASE REQUEST EXPLANATION.

5. 38.11 - "PLANT GROWTH REGULATORS" HAVE BEEN RECLASSIFIED UNDER THIS ITEM, WHICH CARRIES 16 PERCENT DUTY, FROM 38.19, WHERE THEY WERE PRESUMABLY DUTIABLE UNDER N1 (NOW L1) AT 13 PERCENT. PLEASE CREATE EX-ITEM BOUND AT 13 PERCENT UNDER 38.11 FOR "PLANT GROWTH REGULATORS (NOT INCLUDING HERBICIDES AND ANTI-SPROUTING PRODUCTS)."

6. 39.01 A1 AND 2 - IN KR PROTOCOL RATES GIVEN FOR THESE UNCLASSIFIED

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SUB-ITEMS ARE REVERSE OF THOSE SHOWN IN CS. PLEASE CLARIFY.

7. IN KR AUSTRIA GRANTED ABOUT 40 CONCESSIONS ON COTTON YARNS, MANMADE FIBER YARNS AND "OTHER" WOVEN COTTON FABRICS (55.05, 56.05 AND 55.09). ALL WERE CONTINGENT, PER SCHEDULE HEADNOTE, ON "ACCEPTANCE OF PROLONGATION OF THE LTA BY ITS SIGNATORIES". CONCESSIONS DO NOT APPEAR IN PROPOSED CS. WHY?

8. WE ASSUME OMISSION OF NOTE TO 53.13 (8PRM-TORQUAY) MEANS CLASSIFICATION RULE THERE SPECIFIED NOW PREVAILS AUTOMATICALLY. APPRECIATE CONFIRMATION.

9. CCC CLASSIFICATION RULES HERETOFORE SPECIFIED MATERIALS OF CHAPTERS 50-57 CONTAINING 10 PERCENT OR MORE SILK WERE TO BE CLASSIFIED AS SILK, BUT BEGINNING IN 1978 CLASSIFICATION IS BY FIBER OF PREDOMINANT WEIGHT. AUSTRIA HAS BOUND ALL SILK YARN RATES AND SILK FABRICS BUT HAS MADE NO NEW EX-ITEMS TO TAKE CARE OF GOODS TRANSFERRED BY CLASSIFICATION RULE CHANGE FROM CHAPTER 50 TO OTHER CHAPTERS WHERE RATES IN SOME CASES ARE HIGHER. OUR

ANALYSIS OF EFFECTS ON U.S. TRADE ARE INCOMPLETE, BUT TRADE COMPLAINTS HAVE BEEN RECEIVED RE TRADE SOME ITEMS IN OTHER COUNTRIES WHERE SAME PROBLEM EXISTS. EC HAS CREATED NUMEROUS NEW EX-ITEMS TO RETAIN SUBSTANCE OF PREVIOUS CONCESSIONS. PLEASE RESERVE OUR POSITION

PENDING FUTHER STUDY.

10. 70.13A - WE CANNOT LOCATE SOURCE OF CONCESSION ON THIS ITEM (GLASSWARE, OF HEAT-RESISTING GLASS - 10 PERCENT). PLEASE EXPLAIN.

11. CHAPTER 75 - METALS CONTAINING 10 PERCENT OR MORE NICKEL WERE CLASSIFIABLE AS NICKEL UNDER CCC RULES UP TO UNCLASSIFIED

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1978 BUT NOW ARE DUTIABLE LIKE TEXTILES BY MATERIAL OF PREDOMINANT WEIGHT, SHIFTING SOME ITEMS FROM NICKEL TO COPPER RATES. AUSTRIA HAS MADE NO PROVISION AGAINST POSSIBLE DUTY INCREASES ALTHOUGH SOME NICKEL RATES ARE IN CS. NICKEL-CHROMIUM, COPPER-ZINC-NICKEL, AND OTHER NON-FERROUS ALLOYS MAY ALSO BE AFFECTED. PLEASE RESERVE OUR POSITION PENDING FURTHER STUDY.

12. QUERY HANDLING OF 84.35 EX C RE ROTARY PRESSES. ARE ALL ROTARY PRESSES COVERED BY FIRST ITEM AT 5 PERCENT (IN WHICH CASE RATES OF SECOND ARE ALTERNATIVES FOR USE WHERE THEY ARE LOWER THAN 5 PERCENT), AND IF NOT, WHY NOT? IF YES, SECOND ITEM SHOULD BE SUB-ITEM OF FIRST ITEM.

13. 8 PRM-TORQUAY CONTAINED CONCESSION ON "KNITTING MACHINES WITHOUT DRIVING ENGINES - "FREE" WHICH IN SOME RESPECTS APPEARS BROADER THAN CS ITEM 84.37B "HOSIERY - MAKING MACHINES - FREE". PLEASE REQUEST EXPLANATION.

14. IN 87.06 A AND B, CONCESSIONS ON GEAR UNITS AND CLUTCHES ORIGINALLY INCLUDED PARTS, WHICH ARE NOW PRESUMABLY INCLUDED IN 87.06F AT AV RATES. ARE F RATES INVARIABLY LOWER THAN SPECIFIC RATES OF A AND B? SEE PARA 2 ABOVE.

15. IN 92.11 LANGUAGE CHANGES APPEAR TO RECLASSIFY REPRODUCERS NOT COMBINED WITH SOUND RECORDERS INTO A 1 AT 20 PERCENT. WHERE WAS SUCH EQUIPMENT FORMERLY CLASSIFIED AND AT WHAT RATE? IF ANY INCREASE RESULTS, WHAT REMEDIES ARE PROPOSED? IS THERE ANY OTHER DUTY INCREASE HERE?

16. CS CONTAINS TYPOS IN FOLLOWING ITEMS AT WORD MENTIONED: 07.01 D 2 CASHEW NUTS; 20.02 EX 4 B TOMATO; UNCLASSIFIED

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20.07 B 3 EX A 1 JUICES; 28.13 D DIOXIDE; 29.13 ISOBUTYL;
32.13 B 1 SEPARATE; 38.19 I AMMONIACAL (TWICE); 46.03
WICKERWORK; 50.09 NOTE 2 NECKTIE; 59.12 EX A 1 AND EX B 1
STRIPS; 69.01 SILICEOUS (THE SECOND TIME) AND FOSSIL;
73.22 INSERT COMMA AFTER "TANKS"; 73.27 B TINNED; 82.01
SHOVELS; 83.04 FILING; 84.19 A APPARATUS; 84.23 B EX 2

AND; 85.08 ELECTRICAL; 87.01 BALLAST; 98.04 IRIIDIUM
(TWICE); 98.05 EX A EQUOTA. AS TO STYLE, FOLLOWING
QUERIES: IS COMMA WANTED IN 73.22 AFTER "TANKS"? ON
PAGE 102 SHOULD "THE" BE OMITTED IN PHRASE "FOR THE
IMMEDIATE USE"? SAME QUESTION RE "FOR THE REFLECTING
SURFACES", P. 132. IN 84.06 EX C 2, "MOTOR OPERATING-
MACHINES" PERHAPS BETTER "MOTOR-OPERATED MACHINES"?
PHRASE "OTHER BASE METALS EXCEPT IRON" IN 84.18 B 2 B,
84.19 A 2 AND 84.30 B 2 B MIGHT BETTER READ "BASE METALS
OTHER THAN IRON". IN 84.30 B NOTE WE BELIEVE NO COMMA
IS WANTED AFTER "SUGAR MILLS". VANCE

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